

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.976 OF 1998
IN
SUMMONS FOR JUDGMENT NO.335 OF 1997
IN
SUMMARY SUIT NO.2385 OF 1993

The Wallace Flour Mills Co. Ltd. .. Appellant.

V/s.

M/s.Gopal Sahai Motiram .. Respondent.

Mr.M.P.S. Rao with V.J. Shah i/b. Madekar & Co.
for the appellant.

Mr.M.L. Bansal for the respondent.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 16TH SEPTEMBER, 2004.

P.C. :

Heard.

2. We are informed by the learned counsel for the appellant that pursuant to the permission granted by us vide order dated August 19, 2004, the appellants have deposited a sum of Rs.6,00,000/- with the registry of this court on August 25, 2004.

3. The amount of Rs.6,00,000/- having been deposited as directed by the learned single Judge, we are satisfied that the suit deserves to be tried as a commercial cause. The appellant may file written statement within the period of eight weeks from today.

4. The parties to comply with other directions contained in the impugned order dated August 11, 1998 in respect of affidavit of documents and discovery / inspection of the documents.

5. Needless to say that the discussion of the matter by the learned single Judge in the impugned order dated August 11, 1998 was confined to the consideration of the summons for judgment and shall have no bearing on the merits of the case during trial.

6. The Prothonotary & Senior Master of this court is directed to invest the sum of rs.6,00,000/- in the fixed deposit of any nationalised bank initially for a period of three years and subsequently for the same tenure every time, if necessary. The party succeeding in the suit shall be entitled to the said sum along with interest accrued

thereon as per the judgment and decree.

7. The appeal is disposed of, accordingly.

8. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)